

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

H CONTRACTORS, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 2:16-cv-368
v.)	
)	Magistrate Judge Lisa Pupo Lenihan
E.J.H. CONSTRUCTION, INC.,)	
)	
Defendant.)	
)	
)	

MEMORANDUM ORDER

On March 29, 2016, Plaintiff commenced the above action against Defendant predicated subject matter jurisdiction on diversity of citizenship. Plaintiff alleges that it is a limited liability company ("LLC"). "[T]he citizenship of an LLC is determined by the citizenship of its members." *Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010). In addition, where one of the members of the LLC named in the complaint is also an LLC, the citizenship of that LLC's members must also be traced to determine the citizenship of the LLC named in the complaint. *Id.* at 420. (citation omitted). Plaintiff's complaint fails to allege the citizenship of its members. Therefore, Plaintiff has failed to establish this Court's subject matter jurisdiction over this action.

AND NOW, this 31st day of March, 2016, **IT IS HEREBY ORDERED** that Plaintiff shall, within fourteen (14) days of this Order, file an amended complaint that sets forth sufficient factual allegations to establish diversity of citizenship among the parties or, if diversity is lacking, a notice of voluntary dismissal. Failure to comply with this Order may result in dismissal of the action without further notice.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of issuance of this Order to file an appeal to the District Judge, which includes the basis for objection to this Order. Any party opposing the appeal shall have fourteen (14) days from the date of service of the notice of appeal to respond thereto. Failure to file a timely notice of appeal will constitute a waiver of any appellate rights.

By the Court:

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
Chief United States Magistrate Judge

cc: All Counsel of Record
Via Electronic Mail